

IN THE MATTER OF KALIUM LAKES LTD. (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 613 656 643) AND KALIUM LAKES INFRASTRUCTURE PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 631 042 450) AND KALIUM LAKES POTASH PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 601 436 060)

EX PARTE

MARTIN JONES, MATTHEW WOODS AND CLINT JOSEPH AS JOINT AND SEVERAL ADMINISTRATORS OF KALIUM LAKES LTD. (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 613 656 643) AND KALIUM LAKES INFRASTRUCTURE PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 631 042 450) AND KALIUM LAKES POTASH PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 601 436 060)

Plaintiffs

ORIGINATING PROCESS

FILED PURSUANT TO 439A(6) OF THE *CORPORATIONS ACT 2001* (CTH),
ALTERNATIVELY, SECTION 447A OF THE *CORPORATIONS ACT 2001* (CTH)

Date of Document: 25 August 2023

Filed on behalf of: The Plaintiffs

Date of Filing: 25 August 2023

Prepared by:

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Reference: MDE:LDA:1177733
Leith Ayres

A. DETAILS OF APPLICATION

1 This application is made by the Plaintiffs pursuant to section 439A(6) of the *Corporations Act 2001* (Cth) (**Act**), alternatively, section 447A of the Act in respect of:

1.1 Kalium Lakes Ltd. (Receivers and Managers Appointed) (Administrators Appointed) (ACN 613 656 643) (**Kalium Lakes**);

1.2 Kalium Lakes Infrastructure Pty Ltd (Receivers and Managers Appointed) (Administrators Appointed) (ACN 631 042 450) (**Kalium Lakes Infrastructure**); and

1.3 Kalium Lakes Potash Pty Ltd (Receivers and Managers Appointed) (Administrators Appointed) (ACN 601 436 060) (**Potash**)

(collectively, the **Companies**).

2 This is an application for orders extending the time within which the Plaintiffs, in their capacity as voluntary administrators of the Companies are to convene the second meeting of creditors of each of the Companies pursuant to section 439A(2) of the Act.

On the facts stated in the supporting affidavit, the Plaintiffs claim:

3 An order pursuant to section 439A(6) of the Act, alternatively pursuant to section 447A of the Act, extending the period in which the Plaintiffs as voluntary administrators of the Companies are required to convene the second meeting of creditors of each of the Companies by a period of three months, ending on 1 December 2023.

4 An order pursuant to section 447A(1) of the Act, that the application of Part 5.3A of the Act to the Companies be varied such that section 439A(2) of the Act will

provide that the second meetings of creditors of each of the Companies may be held at any time before or within five business days after the end of the convening period and may be held together or separately at any time during that period.

- 5 An order that the costs and expenses of this application be costs and expenses in the administration of each of the Companies and paid out of their respective assets.
- 6 An order that the Plaintiffs give notice of the orders made by way of circular to the Committees of Inspection of Kalium Lakes and Potash and creditors of the Companies within one (1) business day of the date of the Orders.
- 7 Liberty to apply be granted to any creditor or interested person to make any application to vary or discharge the orders on three (3) business days' notice to the Plaintiffs and the Court.
- 8 An order that the plaintiffs have liberty to apply.
- 9 Such further or other orders as the Court thinks just.

Date: 25 August 2023

Leith Ayres
LAVAN
Solicitors for the Plaintiffs

This application will be heard by

at the Supreme Court of Western Australia,

Stirling Gardens, Barrack Street, Perth at

a.m./p.m. on

Date: 25 August 2023

Lavan

This application will be heard by a Master in Chambers at the Supreme Court of Western Australia in Perth at on

B. NOTICE TO DEFENDANT(S) [IF ANY]

TO: N/A

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen –

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceedings;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of filing: 25 August 2023

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Principal Registrar

This application is filed by Lavan for the Plaintiffs.

D. SERVICE

The Plaintiffs' address for service is –

Lavan
Level 18
1 William Street
PERTH WA 6000
Australia

It is intended to serve a copy of this originating process on each defendant on any person

listed below –

N/A